

EXHIBIT A
DECLARATION OF ALFONSO A. ABEYTA

DECLARATION OF ALFONSO A. ABEYTA

My name is Alfonso A. Abeyta. I am over the age of 18 and fully competent to make this declaration.

1. I am a Latino rancher who is a member of the National Latino Farmers and Ranchers Trade Association (NLFRTA).

2. I want the NLFRTA and the Rural Coalition to represent my interests in this lawsuit, *Faust v. Vilsack*, No. 1:21-cv-548 (E.D. Wis.).

3. I live in Antonito, a rural town of approximately 656 people in southern Colorado.

4. I own and operate a ranch of over 400 acres, where I raise 500 sheep and 300 cows. I have operated this ranch for 61 years. I am 82 years old.

5. I currently have farm ownership and farm operating loans from FSA. Around the year 1995, I took out USDA loans in the amount of approximately \$350,000.00. I used the loans for real estate loans or ownership.

6. As of June 21, 2021, the outstanding balance on my loans was approximately \$455,000.

7. I believe I have experienced racial discrimination from USDA representatives. For example, when I first sought a USDA loan to own and operate a ranch, a USDA representative told me that “Mexicans were more suited to being farm workers, not farm owners.”

8. From 1981 to 2000, I estimate that my losses directly or indirectly associated with FHA/FSA discrimination were in excess of \$2.9 million.

9. In the past, I have attempted to take out USDA loans because of several natural disasters. However, USDA representatives denied my requests for loans because my family and I

were working other jobs to supplement our income. To my knowledge, white farmers in my area have routinely been able to take out USDA loans even though they worked outside of their ranches.

10. As a result of these loan denials, I had to sell off small pieces of my land to stay afloat financially.

11. In order to pay off my USDA loans, I entered into a land trade agreement with the Bureau of Land Management. However, as a result of delays in USDA representatives' compliance with the land trade agreement, I lost several hundred thousand dollars.

12. In 1996, USDA representatives denied my request for loan subordination based on miscalculations of the improvements I made to the property. While USDA representatives eventually reversed course after I appealed the decision, these delays resulted in a shortened growing season and loss of revenue. In addition, USDA representatives made adverse changes to an agreed upon farm plan for loan subordination without notifying me. These changes caused additional delays and loss of revenue.

13. In 2019, I was denied USDA disaster set-aside loan assistance because I participated in an industrial hemp crop pilot program authorized by the 2014 Farm Bill, which the USDA found was ineligible for loan assistance. I sought direction from USDA representatives before entering into the contract for hemp production and was not clearly advised that the crop would be ineligible for loan assistance.

14. I have filed a formal civil rights complaint with the USDA, appealed a USDA decision to the National Appeals Division, and reached out to the USDA and the President of the United States regarding my experiences of discrimination.

15. Specifically, the staff of the Farm Service Agency referred to my request for loan servicing in a derogatory manner when a loan officer stated: "trash in – trash out."

16. In a discriminatory manner during a farm loan servicing action on my loan in 2019, the FSA office deliberately provided me with inaccurate loan servicing information. More particularly, the FSA provided information on hemp production that was not correct. Later the FSA denied my equitable participation in the disaster set aside program. White farmers were treated more favorable under the same or similar conditions.

17. My business has suffered because of the COVID-19 pandemic. There are fewer buyers available leading to lower market prices.

18. I believe I am eligible for loan forgiveness under Section 1005 of the American Rescue Plan Act because I am a socially disadvantaged farmer who has an outstanding loan balance on a loan with USDA. I recently received a letter from USDA Farm Service Agency informing me that I am eligible to have my loan paid off.

19. If the injunction is not lifted immediately, my farm operations will be harmed in a major financial way.

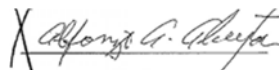
20. Based on the letter from USDA regarding my eligibility for debt relief, I planned to catch up with yearly ranch obligations that I have been unable to attend to because of the past 3 years of drought conditions in my area.

21. I will be financially harmed if the debt relief is delayed.

I declare under penalty of perjury that the foregoing is true and correct.

Date: ____ June 22, 2021 ____

Respectfully submitted,


Alfonzo Abeyta